Are Apples More Important than Milk?

Migrant Labor Turnover among Dairy Farm Workers: Insights from the Vermont Migrant Education Program

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Abstract

The purpose of this quantitative study is to determine if the average length of employment of a temporary migrant worker on a typical Vermont dairy farm meets current federal standards for educational service delivery by the Office of Migrant Education. The results of this study will allow the Vermont Migrant Education Program to determine which farms across the state have a turnover rate of less than or greater than twelve months. This study will also assist in creating a demographic profile of both individual dairy farms and dairy farm workers which may identify trends and characteristics in the mobility of dairy farm workers.

Introduction

Migration is a global phenomenon that has captivated the attention of academics and social activists for decades. A complex, controversial and constant occurrence keeps the subject of human migration studies at the forefront of research. Population redistribution from Latin America, most notably Mexico, to the United States steadily remains in the spotlight of political interest on both sides of the border (Jensen, E. B., 2007). Through time, the context, pattern and destinations to which migrants travel continue to evolve and take on different forms yet the primary impetus that pulls many migrants north consistently remains the dream of attaining a better life filled with more opportunities and financial stability (Hellman J.A., 2008; Ibarra, A., 2009; Massey & Espinosa, 1997). Unfortunately, while working towards this dream, individuals who migrate are often forced to make other sacrifices along their journey such as repeated relocations once inside their destination borders, sub-standardized living conditions, inadequate or non-existent health care as well as frequent educational interruptions (Bravo, J., 2005; Hellman J.A., 2008; Kanaiaupuni, 2000). Migrants surrender what most consider basic human rights in exchange for basic economical needs and salvation.

American agricultural sectors are heavily dependent upon foreign and often undocumented laborers. Farm workers historically move more frequently than individuals who work in non-agricultural industries. There is currently an estimated one to three million farm workers in the US although; demographers recognize that farm workers are the most difficult population to census (National Agricultural Workers Survey, 2001-2002). The exact number of farm workers in the US is debatable as they remain invisible to most people however; the presence of migrant farm workers in many rural communities throughout the nation is undeniable (González, E., 2008).

There are two types of migrant agricultural workers, those who work with seasonal crops and those who work in year round, temporary agricultural jobs. When one hears the term migrant farm worker, many Americans think only of seasonal agricultural laborers who plant, cultivate and harvest, vegetables, fruits and nuts. Yet there are many other migrant farm workers employed in the fishing, meat packing and dairy industries, also known as temporary agricultural migrant workers, that frequently get overlooked (BOCES, 2003). The reality is, whether agriculture is on a large industrial scale such as the vast tomato fields of Florida, the numerous strawberry fields of California or the smaller less often thought about dairy farms of Vermont, American agriculture has evolved to a point where virtually all of the food produced in the U.S. comes from the hands of migratory foreign workers (National Agricultural Workers Survey, 2001-2002; USDA, Economic Research Service, 2006).

With a large and constant influx of farm workers the US has grappled with ways to address the more difficult realities many farm workers face. Food production goes hand in hand with human migration. Both seasonal agricultural operations and year round farm industries rely on the migratory nature and vulnerability of farm workers (Holden L., Hyde J., Stup, R. & Braiser, K., 2004). Government agencies, national and regional non-profits, religious groups and grass root organizers all have a hand in providing services for farm workers. Some attempts to curtail the negative effects of human migration have worked better than others, some have been short lived pilot programs, and others have been around for decades. Health care and education remain the primary focus for the vast majority of social service organizations who work with farm worker populations. It is broadly understood that education has the profound ability to tackle a diverse range of obstacles. Recognizing the struggle for migrant students to achieve

academically, in 1965 Congress enacted the federal Migrant Education Program to enhance the Elementary and Secondary Education Act (ESEA).

The U.S. Department of Education (2003) states the following:

> The goal of the Migrant Education Program (MEP) is to ensure that all migrant students meet the demands of our challenging academic standards and graduate with a high school diploma (or complete a GED) that prepares them for responsible citizenship, further learning and productive employment. (p.*i*)

The MEP enables the unique needs of migrant children and youth to be met through free supplemental instructional and support services. Services include English language lessons, extra academic support at school and in the home, family to school advocacy and interpretation services, after school programming, migrant summer school and camps, college assistance, and many other social and health services. MEP students and families are recruited through public school enrollment processes, farm field visits and community outreach strategies. To be eligible for MEP services children and youth must not have graduated from high school or have received a General Equivalency Diploma, they must be between the ages of three and twenty one and also must be a migratory seasonal or temporary agricultural farm worker, or the children of such agricultural farm workers (U.S. Department of Education, 2003).

Research suggests that even a short-term positive experience with education can enhance a learner's self-confidence and willingness to continue learning (Freire & Macedo, 1987). Supporting these efforts in an attempt to extend education to even the most disadvantaged of residents, in 1982 the Supreme Court of the United States in the case of Plyler v. Doe, 457 U.S. 202 (1982), ruled under the Fourteenth Amendment, that no child, regardless of their

immigration status would be denied a free public education in the United States of America. As a result of this action, children of farm workers and young farm workers themselves became an even more distinct pool of public education students legally eligible for free public education services. Yet, despite all program development and outreach, one constant fact of farm worker migration has remained unchanged; the negative effect mobility has on children and youth and their ability to achieve academically (Melecio & Hanley, 2002; U.S. Department of Education, 2003). The percentage of migrant students that leave school before graduation has historically been among the highest for any single minority group. Nationwide, there is only a 50.7 percent high school graduation rate among migrant teenagers (BOCES, 2003). Disrupted schooling, low socioeconomic status, as well as language and cultural challenges are the primary causes for many migrant students poor academic performance throughout their education (López, Scribner, & Mahitivanichcha, 2001; U.S. Department of Education, 2003).

For the last four decades, MEP advocates across the nation have worked tirelessly to meet the unique needs of migrant students by assisting them to better navigate the many facets of community life and the American educational system. Migrant educators work to alleviate the negative health, developmental, and educational effects caused by frequent mobility thus increasing our nation's migrant student literacy level and graduation rate (Melecio & Hanley, 2002; U.S. Department of Education, 2003).

Purpose Statement

Across the nation, as directed by the US Congress, states are individually responsible to serve their migrant student population. However, before students can be served, states must first properly identify and recruit children and youth eligible for services.

The U.S. Department of Education, section 200.81(c) of the regulations (2004) state:

> A migratory worker is defined as "a person who, in the preceding 36 months, has moved from one school district to another in order to obtain ***temporary*** *or seasonal* employment in agriculture activities (**including dairy work**). An agriculture activity is defined as any activity directly related to production or processing of crops, dairy products**,** poultry, or livestock for initial commercial sale or as a principal means of personal subsistence (p.10).

A significant number of migratory students across the country are children of agricultural workers in both the processing plant industry and dairy farm operations. For the purposes of the MEP these students have been deemed eligible by Congress under the migratory term of "temporary agricultural workers". In many Midwestern states such as Nebraska, Kansas and Missouri, meat processing plants account for the majority of the state's migrant student population. In the states of New York, Pennsylvania, New Hampshire and Vermont, the primary recipients of MEP services are families and individuals who work in the dairy industry.

It was recognized by Congress that migrant dairy farmworkers are unique, so unique in fact, Senator Edward Kennedy's – report from the Committee on Labor and Human Resources dated November 19, 1987 clearly states,

> *"First, migratory agricultural dairy workers are specifically mentioned in the legislation. This will remove any doubt regarding the eligibility of the*

children of such workers to participate in this program (The Migrant Education Program).”

As a result of this debate, Congress defined who exactly is a temporary migrant worker. In 1988 Dairy work was written in as an official qualifying activity for the MEP under the Stafford Hawkins Agreement. From this point forward the guidelines for temporary student eligibility have remained virtually unchanged.

As required by the statute, the U.S. Department of Education issues regulations implementing the programs under Title I of the Elementary and Secondary Education Act of 1965, as amended. Additionally, the Office of Migrant Education (OME), which is the governing agency for the MEP provides states with non-regulatory guidance by which to administer their programs. This guidance uses a variety of strategies to elucidate statutory or regulatory requirements of the law, including how to comply with these requirements. Although this guidance is not official policy, (as are the statute and regulations), if followed by one’s state educational agency (SEA) you are most likely in compliance with all applicable requirements. However, if a state chooses to go outside of the non-regulatory guidance’s interpretation of the law and makes their own policy, they are no longer under the safe umbrella of OME and may be found at fault for misinterpretation of MEP statute and regulations. Therefore, for all intents and purposes, this non-regulatory guidance usually becomes a governing practice across the nation.

Although the law defining who a migratory agricultural student is has not officially changed for more than twenty years, this guidance which interprets the law is updated for further clarification every couple of years. Additionally, in-between reauthorization of the statue, the U.S. Department of Education may issue new federal regulations as it deems necessary.

Most recently this occurred in July of 2008, after an extensive national review of student eligibility OME advised the Secretary change was needed. As a result, new federal regulations for migrant student eligibility were issued (Improving the Academic Achievement of the Disadvantaged; Migrant Education Program, 2008).

Among these changes, one particular regulation affects states that enroll temporary agricultural workers greatly. The old regulations loosely defined temporary as *usually less than twelve months* employed and this rule was often interpreted to include workers that remained employed for up to thirty six months. Now however, under the new regulations, temporary agricultural employment has been defined to mean individual farm workers can remain *no longer than* twelve months on one particular farm or meat processing plant. The OME has focused on the employment turnover of the body of workers at an individual farm specifically stating that *virtually all workers* must be gone to consider the job category as temporary. OME clarifies that *virtually all* workers is defined as 90% of the workforce enrolled for MEP services. The OME has given all states until January 2010 to self determine whether or not students enrolled into individual states MEP's under the auspices of temporary agricultural employment meet these new federal eligibility guidelines. Programs have been asked to show whether or not the migrant families and youth they have previously determined to be eligible in temporary agriculture jobs remain on the job longer than twelve months.

The impacts of these new regulations have yet to be determined. Depending on the percentage of students enrolled in a state for temporary agricultural work verses seasonal agricultural work the implications will vary. In other words, if 90% of students currently receiving MEP services are working longer than 12 months at any one employer, they will no longer be supported by MEP services under these new regulations. In order to establish whether

or not Vermont dairy farm workers meet this new regulation we must determine a temporary dairy farm workers length of stay on the corresponding farm for which they are employed.

To do this in a comprehensive manner, Vermont must look at both our individual migrant student population as well as the turnover rate of individual farm operations. This research hopes to unveil several factors that may contribute to dairy farm worker turnover and may show that even though dairies operate year round there are no guarantees of permanent employment of the workforce. The purpose of this study is to determine through a quantitative analysis of preexisting data and records of the VMEP what the average length of employment on a typical Vermont dairy farm is and whether or not it meets OME's new definition of a temporary migrant worker. In addition, this research will attempt to identify trends in Vermont dairy farms and farm workers and whether certain characteristics of either lend to more frequent mobility and employment turnover.

Literature Review:

I first attempted to identify similar research across the country regarding dairy farm worker turnover rates. Although some information was found on agricultural worker turnover the available literature was extremely limited with regards to dairy farm work. When research was found regarding the dairy industry, it was limited in such a way that it rarely analyzed worker retention. Of the many articles reviewed, only two were applicable to the research to be conducted in this study.

One of these two articles was written by a research team led by Mugera and Bitsch (2005) who conducted a qualitative case study on six Michigan dairy farms to determine how a farms human resource system affects overall dairy farm management, operational success and the employee turnover rate. This study explored the integration of various practices (recruitment

and selection, training, compensation) and their outcomes (relationships, voluntary turnover, and termination). The resource-based theory argues that a business's performance is a function of how well managers build their organizations around resources that are valuable, rare, inimitable, and lack substitutes. The data reported from this study supports the authors claim that human resource systems are potentially the source of a sustained labor force for select dairy farms. Personal relationships, worker benefits, rewards and incentives, mission statements, training and overall camaraderie on the farm reduced worker turnover.

Although a compelling argument that good human resource (HR) practices lower dairy farm worker turnover, this study was only looking at six farms. Furthermore, farms who did participate in this study were chosen based on their willingness to participate insinuating that they most likely had better HR practices and lower turnover than other non-participating farms. Due to both the small sample size and selection process of participating farms, this study lacks replication in the state of Vermont and therefore cannot be used to infer much in relation to the turnover rate of Vermont's migrant dairy farm worker population. This study did however increase the very limited base of research on the topic of dairy farm worker turnover because prior to this study no other related research was identified.

The most applicable research was that of Maloney and Grusenmeyer (2005). They conducted an intensive quantitative survey of 111 Hispanic dairy farm workers on 60 dairy farms throughout New York State. This study was the first of its kind and sought answers to the perceptions of Hispanic dairy workers in New York State regarding their work, their perceived needs from the employer and community, as well as work schedules and compensation information. The results of this research inadvertently unveiled interesting information regarding the employee turnover rate on the dairies and the workers who participated in the study. The

survey instrument used for this study was divided in two parts, employee and employer. This was done as an attempt to gather a more complete picture of the individual dairy farms in the study. It was determined at the time the survey was initiated that a random sample was not possible given the geographic distribution of the employees and the fact that no complete list of farms with Hispanic employees was available.

Being the first survey of its kind in the Northeast, a great deal was learned about Hispanic dairy workers. There were several overarching themes that emerged about the Hispanic dairy work force on the farms in the study. First, a pattern regarding the importance of family was identified and it found that regardless of whether workers are here in the US together with family, they are here to earn money and send it home to the remaining family members in their home country. This may imply that the workforce here is not a permanent one fully rooting itself in the community as workers are maintaining a strong financial connection to families in their home country. Both language and communication issues were identified as huge challenges expressed by both the workers and the employers. Interestingly, it was discovered that even though there are resources for both employer and employee to improve communication, few took advantage of these opportunities due to intensive work loads. Unsurprising to this reviewer, legal status continued to surface as a challenge for employee and employer. Contrary to many beliefs, there is no work visa program available to dairy farm workers like there is for seasonal agricultural employers. This fact makes the longevity of any undocumented farm worker in the dairy industry to be of a temporary nature. Regarding job satisfaction and job responsibilities, it was found that overall Hispanic workers enjoyed the work of dairy farming. It was noted that overall job satisfaction especially increased when workers had a calm boss. This theme implies that employees of a non-calm boss may increase the likelihood of turnover.

Most interesting about this study was the discovery that even when there was a noted positive relationship between farm owners and farm workers, retention still remained an issue. In addition, challenges and obstacles identified by both employer and their Hispanic workers were strikingly similar. In fact, the top three challenges stated on both sides were immigration status, language barriers and lack of freedom to move around the community in which the farm is located. This study strongly suggests that the dairy farm worker population on the participating farms is temporary in nature. In conclusion, the authors referred to the Hispanic dairy farm worker as a highly mobile work force. Specifically, it was found that fifty percent of those interviewed in this study had been on the job less than one year.

This research certainly lays the ground work to support further research on the topic in the state of Vermont. However, because this study was conducted only on New York dairy farms, the results cannot be fully extrapolated to represent the migratory farm worker population of Vermont dairy farms. Furthermore, it does not definitively quantify the actual turnover rate which is necessary to understand whether or not Vermont's migrant dairy farm worker population meets the new definition of temporary for the MEP. As determined through this comprehensive literature review, there has been limited research conducted on the subject of temporary dairy farm workers. Furthermore, there has been no research specifically conducted on Vermont's dairy farm worker population in regards to length of employment.

Research Questions:

VMEP Student Specific Questions:

- What are the total numbers of participants in the study sample, what is their race, student classification breakdown (OSY or graded/family) and from what countries are VT migrant workers traveling?
- What is the average length of time all VMEP students in this study stay employed on Vermont dairy farms?

- Do Out of School Youth move more frequently than Families?
- Do Hispanic families move more frequently than Anglo families?
- Are VMEP OSY students more likely to stay more or less than 12 months employed on their first dairy farm job?
- How many OSY students came to a VT dairy farm directly from their home country with no other employment in the US?
- On average how many different employers have our OSY students had?
- Does age affect the length of time an OSY will stay on a VT dairy farm?
- Does an OSY's level of education in their home country affect their length of stay on a VT dairy farm?

Vermont Dairy Farm Specific Questions:

- Total number of farms participating in study sample?
- Of the farms in this study how many farms have High employment turnover, 12 months or less?
- Of the farms in this study how many farms have a Moderate employment turnover rate, between 13 and 24 months?
- Of the farms in this study how many farms have Low employment turnover where workers stay longer than 25 months?
- Do dairies that milk less than 100 cows have higher, lower or the same rate of employment turnover as larger dairies?
- Do dairies that milk between 100 - 199 cows have higher, lower or the same rate of employment turnover as large and moderate dairies?
- Do moderate sized dairies that milk between 200 to 499 cows have higher employment turnover than large dairies?
- Do dairies that milk more than 500 cows have higher employment turnover than smaller dairies?
- Do dairy farms within the four northern most counties of Vermont, (Grand Isle, Franklin, Orleans and Essex) located on the Canadian border have a significantly higher employee turnover rate than farms located further south of the border?
- Does the length of employment or *Attrition Rate* on Vermont dairy farms meet the Office of Migrant Educations definition of temporary agricultural employment?

Method

This is a descriptive, longitudinal study looking at a thirty six month time period of past and current students enrolled into the Vermont Migrant Education Program (VMEP) as

temporary dairy farm workers. The data to be analyzed in this study was available to this researcher in the pre-existing records of the VMEP. These records document both a student's arrival date as well as a student's date of departure from the particular farm. *Turnover rate,* which is the basis of this research, is defined as a calculation of time in months which quantifies the difference between the student's arrival and departure from an individual farm. Farm information such as physical location and milking herd size are also included in this study to assist in developing a detailed profile of whether or not location and size affect farm worker turnover. Records also contain demographic information on the individual students enrolled in the VMEP. Race, home country, level of education, age and previous work history will all be analyzed to see if certain characteristics play a role in a workers length of stay on a particular farm. All students in this study have either moved away from the farm they were once working on or have been given an artificial termination date on the farm thereby providing a numerical timeframe of employment from which the turnover rate can be calculated.

Creating an artificial termination date could potentially be viewed as a limitation to validity however, it is important to note that the students who remain on the farm during the thirty six month time frame of this study have all been there for longer than the twelve month eligibility requirement for MEP service. Even though these students remain on the farm, they have missed the crucial window of leaving the farm in less than twelve months which the OME has recently defined as temporary. This researcher thought their participation in the study was worthwhile, as it contributes to the larger picture of who a typical Vermont dairy farm worker is, and therefore have remained in the participant pool. Students that were on program at the time of the study who had not yet been on the farm for twelve months were not given an artificial termination date. Instead these students were removed as participants in the study so as to not

skew the data in favor of a higher than actual turnover rate. Inserting a term date of employment for a worker who was still currently on the farm at the close of this study window when they had not yet been there for twelve months would have made the employment period inaccurately show movement that did not occur.

This study is inherently limited by several other real factors. First, it is only measuring mobility of students identified as migrant eligible. This itself is not limiting for the purposes of this study but combined with the fact that students, who move most frequently, as short as one week of employment to a few months, although eligible for services, may not have been identified for the VMEP. The students whom are the most mobile are the most difficult to identify and enroll into the VMEP. This sole factor has the ability to skew the results significantly by not being inclusive of the entire population targeted in this study. Therefore, in my opinion, the results of this survey will actually only depict a conservative turnover rate for participating farms.

The three year time frame chosen to study represents an extended period to review eligibility determinations as well as provides enough data to give some history for the OME's January 2010 deadline. The length of employment for the farm worker will be calculated individually and then cross compared to the specific farm where the worker was employed. This will provide two sets of data, 1) how long individual workers that were enrolled in the VMEP remained employed on all Vermont dairy farms as well as 2) how long workers stay on specific dairy farms. The questions and graphs are also broken down into these two formats; student/people questions and farm questions. This was done to differentiate between the two and to thoroughly analyze the possibility of different turnover rates between people and farms.

The results of this study will allow the VMEP to determine which farms across the state have a turnover rate of less than or greater than twelve months. The results of this study will also assist to create a demographic profile of both individual dairy farms as well as dairy farm workers which may show characteristics that imply greater mobility. Ultimately this information will assist in the proper identification and recruitment of migrant eligible dairy farm workers.

*Participants***:**

There were 733 Vermont migrant education students enrolled in the VMEP during the thirty-six month period between June 30th, 2006 and June 30th, 2009 for the qualifying activity of temporary dairy farm work with specific dairy farm employer information recorded in the student's record. These students have either left the farm, or if they still remain on the farm at the time of this study, their length of time exceeds twelve months and have been considered viable candidates for participation. Because all students involved in this study are students of the VMEP, permission to participate in our program was given at the original time of enrollment. Student's names will remain confidential and are protected under The Family Education Rights and Privacy Act (FERPA). The researcher is a current employee of the VMEP therefore; no further form of consent was attained from the individual participants.

The other primary participants in this study are individual Vermont dairy farm operations. There are 171 farms in this research and although they are not individuals, they are private businesses and have been treated with the same level of confidentiality as student participants.

Eligibility for the VMEP is based on five criteria and all must be met to be eligible for services. These five criteria are; 1) The student must be less than twenty-two years old, 2) Lack a high school completion certificate, 3) Must have moved from one school district to another, 4)

Either the student or guardian of the student must be engaged in *temporary* or seasonal agricultural employment and 5) This agricultural employment must be considered a qualifying activity. Of the 733 past VMEP students to be included in the study there are several demographic differences to be noted.

There are two distinct categories of students within the VMEP. The first and less common are children between the ages of three and seventeen who are in school and living with a parent or guardian who is the dairy farm worker. The other recently more common student is classified as, *out of school youth* or *here to work youth*, these are individuals here on their own working on Vermont dairy farms, between the ages of fourteen and twenty-one and are not enrolled in a formal public educational setting. Of these two student categories; forty three percent or 314 students are in-school while fifty seven percent or 419 students are out of school youth. Sixty six percent of all the participants are of Hispanic origin and are primarily from Mexico. Of the Hispanic out of school youth population, only nine percent are females, leaving the vast majority of participants to be Hispanic males. Participants represent a wide range of Vermont towns as well as a significant range in the size of dairy farms. Dairy farms in this study range in herd size from operations that milk less than one hundred to those that milk more than five hundred cows. Rather than following the national definition of small, medium and large size dairy farm operations, the categories have been reduced one step further to better illustrate the general herd sizes in Vermont. Although these differences are noteworthy and will be individually examined to assist in creating a profile of the migrant dairy farm worker and the farms which employ them in the state of Vermont, it is not entirely significant for the purposes of this study when determining farm worker turnover whether or not students are out of school

youth, in school students, Hispanic or Anglo Saxton, hail from large or small dairies or a particular town within Vermont.

Materials:

To perform this descriptive study, data will be analyzed using Statistical Package for the Social Sciences (SPSS) software. All student participants along with the corresponding variables were categorized, coded and measured; date student arrived and left the farm, the farm name, farm location, age of student at date of VMEP enrollment, type of student (OSY or in-school), level of education completed in US or students home country, race of student, as well as any other known work history of the student or family. This information, minus the date the student left the farm, is consistently tallied during the initial VMEP interview. There are three standard in-house VMEP tools for data collection used by VMEP staff to enroll and track all active and past migrant students. The Interview Questionnaire is our initial screening tool that tracks prior work history and a specific timeline of dates of arrival and departure from various jobs. This is a paper document that is filed with individual student records (see appendix 1). The Certificate of Student Eligibility is our primary data collection tool and is the certifying document which indicates each student's educational history, current location and a student's personal demographic information as well as the period of eligibility the student has in the VMEP. This document is entered into our electronic database (MIS2000) as soon the student is deemed eligible for services while the original paper copy is filed with the individual student records (see appendix 2). Move forms are used internally and completed once we learn a student left the farm in order to document the date student left thereby prompting removal of the student from the VMEP. In the case where a student relocated to another Vermont farm these forms are used to update the student at a new farm location. These forms are also paper documents that remain

filed with the individual student's records (see appendix 3). All data available via these forms will be utilized in this study to collect and verify student's profile information and mobility information.

Procedure:

The required data to complete the descriptive analysis for the turnover rate of Vermont dairy farm workers enrolled in the VMEP is stored in two different physical locations. Much of the information needed to conduct this study is held in the Vermont Department of Education's internal Migrant Education electronic database. This data contains the student information from the previously mentioned Certificate of Eligibility. The remainder of information needed to conduct thorough and comprehensive analysis is filed in paper files with the VMEP Identification and Recruitment office at the UVM Extension office in Berlin, VT. At the Berlin office, student information is filed by student name in individual paper files. In addition to the original Certificate of Eligibility, student files contain the original Interview Questionnaire, completed in person in the student's native language, referrals which assisted in the original contact and identification and recruitment of the student, as well as move forms detailing where and when the student moved either within the state of Vermont or a move form identifying that the student left the state and is no longer an active student in the VMEP. These files also contain the previous work history of the student on the farm and detailed information about the individual farm sites such as location and farm size. Beginning in early July, 2009 just after the close of the participation window of June 30th, 2009 the laborious process of manually entering student data began.

In order to protect both student and farm owner confidentiality and to comply with the UVM Internal Review Board, all identifiable information was coded as it was entered into the

electronic database. The process first began with the existing VMEP database and was organized and imported into the SPSS software by individual student identification numbers keeping one entry per farm job. Student information was then extracted one by one from the previously mentioned paper documents to retrieve the remainder of information required to conduct the full analysis. This information was presented student by student, farm by farm. If the student moved from one Vermont farm to another this information was entered as a separate entry immediately following the information/questions and responses that were recorded for the previous farm job.

To conduct this analysis I specifically looked at whether there was a statistical difference between the lengths of employment for dairy farm workers verses the size and location of dairy farms. I also looked at whether there was a statistical difference between OSY and Families to see who, if either, moved more frequently. The SPSS system has the ability to sort the data in a variety of interesting manners to analyze potential relationships in mobility in reference to ideas such as specific regions of the state or whether the age or level of education of the worker influences the frequency of movement. Data was also sorted to explore the difference between a workers previous employment history and the length of time they remained at their most current dairy farm job. Aside from manually logging all the necessary data, the bulk of the work for this descriptive analysis was complete. The majority of this effort was focused on sorting data and interpreting the movement patterns of workers on Vermont dairy farms and their relationship towards the frequency of these moves.

Results

The results of this study will be presented using both descriptive and inferential statistics. I specifically looked at the relationship between different student demographic frequencies on individual farm operations in relation to the means of varying turnover rates. Tables 1, 2 & 3 below show the basic demographics of students participating in this study. Results will be presented in the same order as the questions were outlined on page 11; beginning by illustrating the *Student Specific Questions*.

What are the total numbers of participants in the study sample, what is their race, student classification breakdown (OSY or graded/family) and from what countries are VT migrant workers traveling?

Table 1: Race of Study Participants

	N	Percent
Hispanic Students*	488	66.6
Caucasian Students	245	33.3
Total	733	100

*Hispanic indicates Mexican, Guatemalan & El Salvadorian Nationals.
June 30th 2006 – June 30th, 2009

Table 2: Study Participants, Student Classification

	N	Percent
Out of School Youth	419	57.2
Graded Students*	314	42.8
Total	733	100

*Graded Students, or children of farm workers are also referred to as families in the study.
June 30th, 2006 – June 30th, 2009

Table 3: VTMEP Students Country of Origin

	N	Percent
USA	259	35
Mexico	439	60
Bi-National*	23	3
Guatemala	8	1
Canada	2	<1
El Salvador	2	<1
Total	733	100

*Bi-National represents students born to Mexican national parents yet are US citizens.
June 30th, 2006 – June 30th, 2009

Turnover rate, which is the basis of this research, is defined as a calculation of time in months which quantifies the difference between the student's arrival and departure from an individual farm. Below, Figure 1 presents a histogram depicting the average length of time all VMEP students remain employed on Vermont dairy farms regardless of race and not considering whether they are out of school youth or graded students. The total average turnover for students when viewed as a whole is 16.65 months but as shown below there is a large standard deviation between the mean.

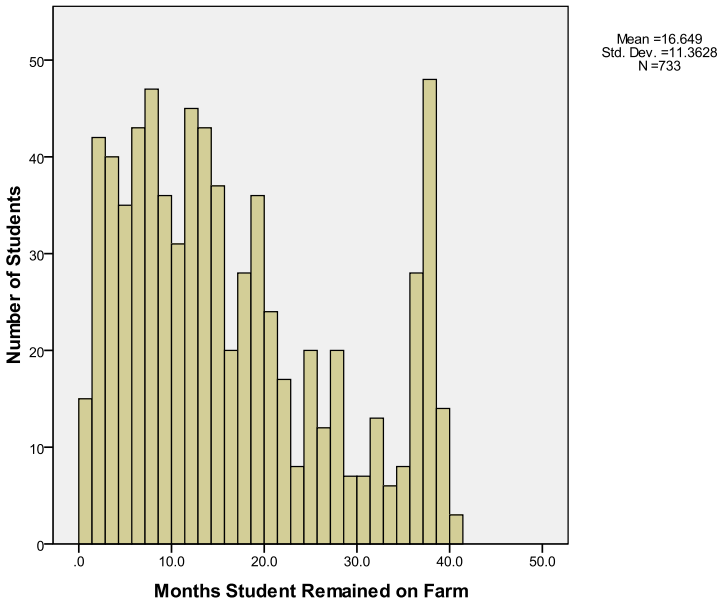

Figure 1. Average Number of Months Individual Students Remained on Corresponding Dairy Farms. Months were calculated as the difference between the date the student arrived on the farm and the date the student left the farm. June 30th 2006 – June 30th, 2009

As described in detail in the participant section of this research there are two distinctively different classifications of students in the VMEP; 1) out of school youth (OSY) and 2) graded students. OSY are students who are here on their own and are both the student and the worker. Graded students are the children of farm workers who attend public schools and are also reported as families. Because OSY are the majority of the student population and have been increasing at a steady rate as presented in Figure 2, they are the primary focus of the student specific data.

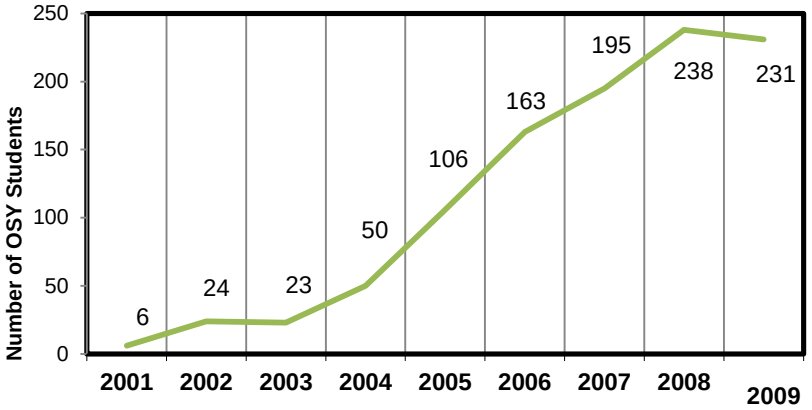

Figure 2. Increase in Out of School Youth Student Population in the Vermont Migrant Education Program 2001 – 2009.

Do Out of School Youth move more frequently than Families?

Descriptive statistics, t-tests and an independent sample test all revealed statistically significant differences between the average length of time OSY and graded student populations/families remain employed on VT dairy farms. Results showed that on average OSY move twice as frequently as families (see Table 4 & Figures 3 & 4).

Table 4: Months Employed on VT Dairy Farms vs. Student Classification Type

	N	Mean	Std. Deviation
Family	314	22.467	11.7384
OSY	419	12.289	8.8569
Total	733	16.649	11.3628

Mean represents months workers remained on a farm. June 30th 2006 – June 30th, 2009

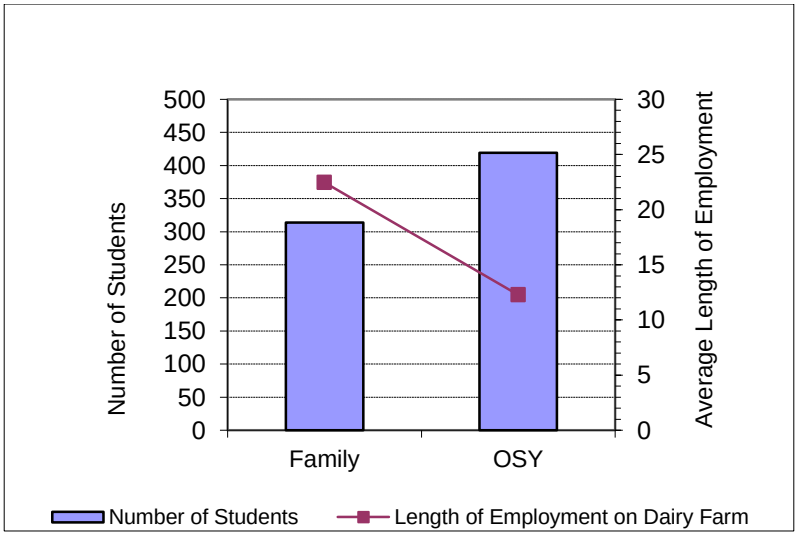

Figure 3. Total Population of Graded Students vs. OSY Students in Relation to Average Months on a VT Dairy Farm. June 30th 2006 – June 30th, 2009

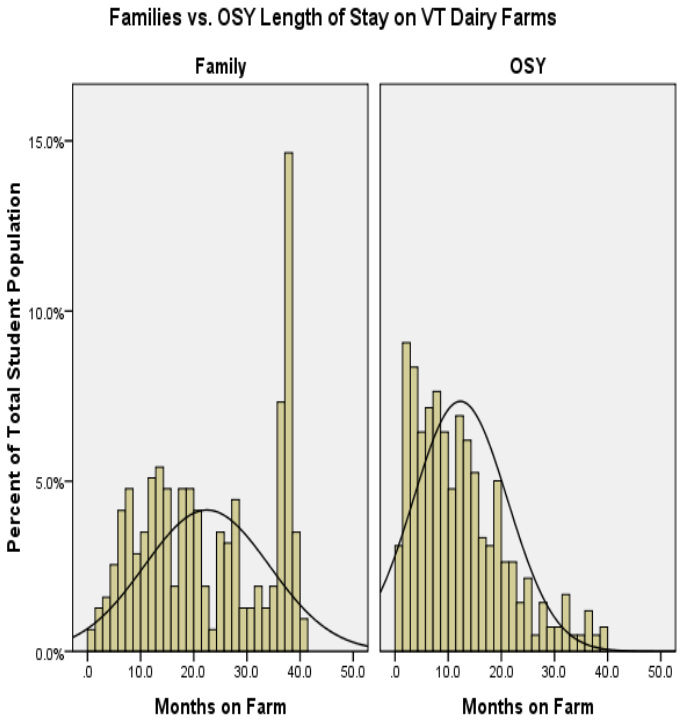

Figure 4. Histogram depicting Families vs. OSY average length of time on a VT dairy farm showing descriptive distribution. June 30th 2006 – June 30th, 2009

Once it became clear that OSY employment turnover is twice the employment turnover for families, and given the entire OSY population is Hispanic, I wanted to explore whether or not race alone played a role in mobility. To do this I separated the OSY out of the Hispanic population to look only at family demographics. As noted in Table 1 there are 488 Hispanic students in this study, 419 of these Hispanic students are OSY, that means there are only 69 Hispanic graded students in this study here with their families. To see if race alone played a role in mobility I compared the relationship between families, race and their months of employment on dairy farms, taking out the entire OSY population. Specifically asking, do Hispanic families move more frequently than Caucasian families?

Table 5: Do Hispanic Families have a Higher Employment Turnover than Caucasian Families

Race	N	Mean Length of Employment (months)
Caucasian	244	22.7
Hispanic	69	21.8

June 30th 2006 – June 30th, 2009

Given there is only a month difference between the mean of employment turnover in both groups as shown above in Table 5 one can infer there is no significant difference between Hispanic families or Caucasian families in terms of high employment turnover on VT dairy farms.

Next I will explore more detailed analyses of the OSY participant population. I wanted to investigate how frequently OSY come to work on a VT dairy farm with no previous dairy farm experience and whether there is any difference in employment turnover between ones first dairy farm job compared to their second. Are VMEP OSY students more likely to stay more or less than 12 months employed on their first dairy farm job? The results showed a mean of 14.3

months of employment for an OSY's first dairy farm job verses a mean of only 10.7 months on their second dairy farm job (see Figure 5). T-test showed statistical significance at .014 suggesting OSY routinely remain longer on their first dairy farm job than their second.

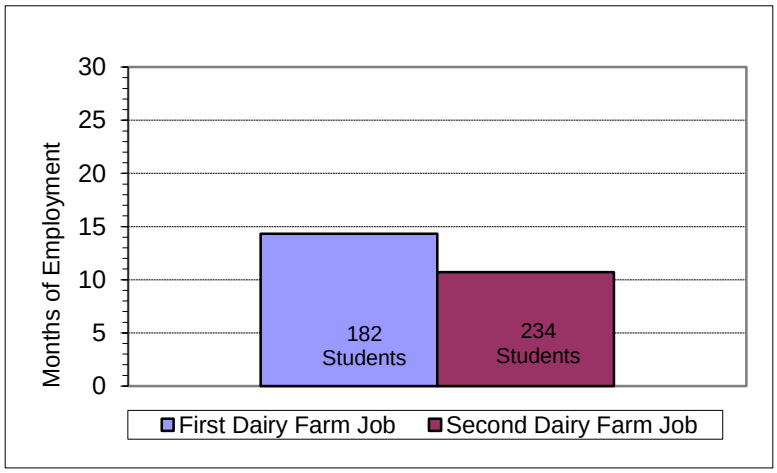

Figure 5. Average Length of Employment for OSY Students on their First Dairy Farm Job vs. their Second Dairy Farm Job. June 30th 2006 – June 30th, 2009

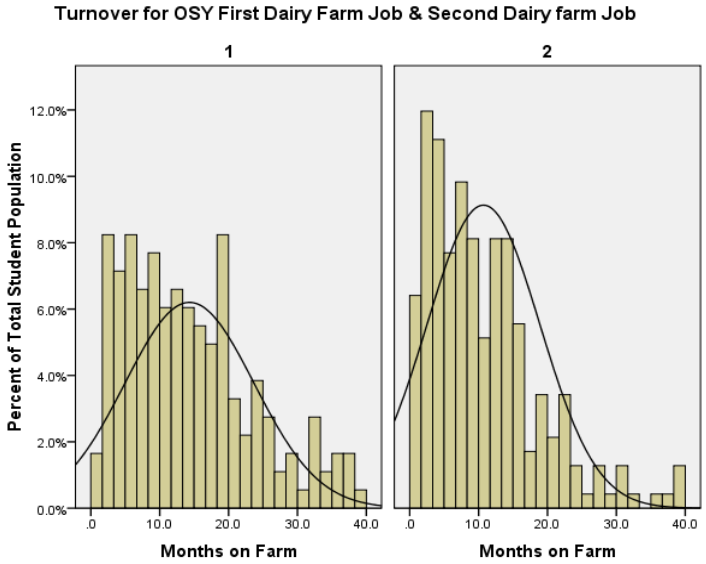

Figure 6. Histogram depicting Turnover for OSY on their First Dairy Farm Job Compared to their Second Dairy Farm Job. June 30th 2006 – June 30th, 2009

In addition to analyzing an OSY's relationship with previous dairy farm employment history and how this may affect length of stay on a dairy farm, I was curious to understand how many OSY come directly to VT from their home country with no previous job history and if they are moving from within the US, what is the average number of previous employers (dairy or other) for the VT OSY population (See Figure 7).

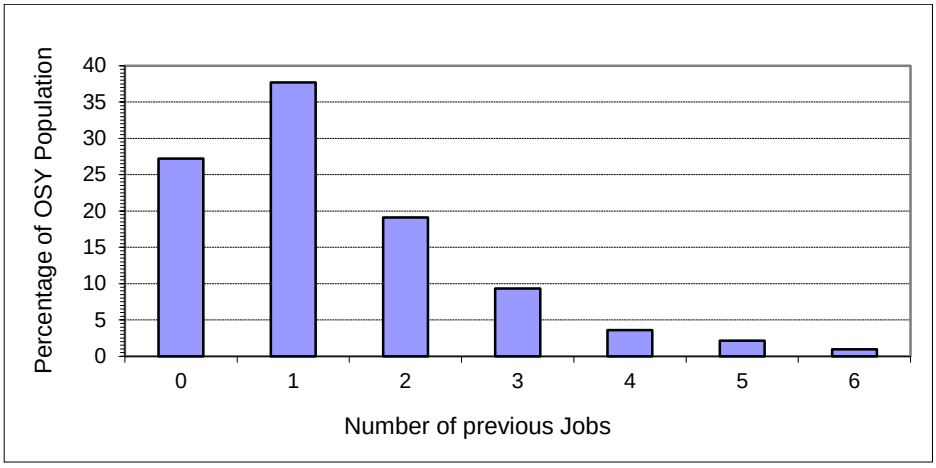

Figure 7. Percentage of OSY Coming to Vermont Compared to Work History. How many OSY have arrived with no previous work history or if this is not their first job in the US, this figure depicts how many previous jobs have they worked. June 30th 2006 – June 30th, 2009

Figure 7 shows that 27 percent of the OSY students coming to VT dairy farms are moving directly from their home country with no previous history of working in the US. Additionally, most OSY have had at least one prior employer, results show that 73 percent of OSY have worked elsewhere in the US. However when you consider Figure 5 and Figure 7 together this means that of the 73 percent who have had previous employment in the US 56 percent of them have previously worked on a dairy farm. Therefore over half the Hispanic OSY population comes to VT dairy farms with firsthand experience in the dairy industry.

One of the primary requirements for MEP eligibility is that the student is under age twenty two. Of the OSY enrolled in the VMEP, student's ages range from fourteen to twenty one years old. With a spread of eight years between the total OSY populations I wanted to see if age played any role in ones length of stay on a VT dairy farm (See Figure 8). It was my assumption that younger dairy farm workers would have a higher employment turnover.

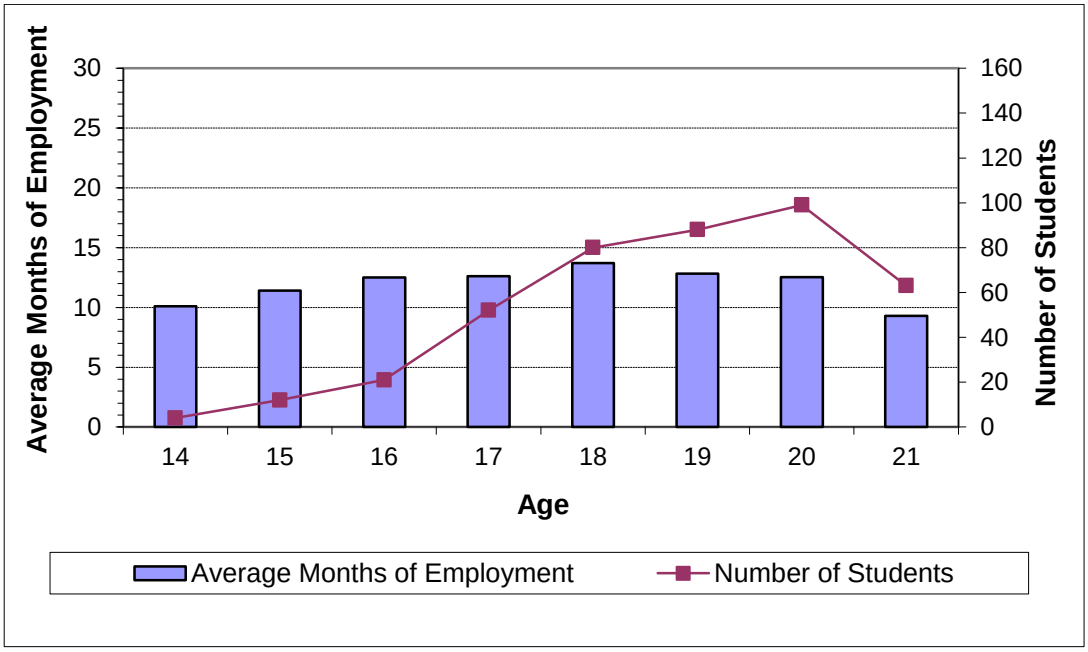

Figure 8. Average Length of Employment of OSY students on VT Dairy Farms when Age is considered June 30th, 2006 – June 30th, 2009

Results show no statistically significant relationship between ones age and their length of stay on a dairy farm. There is a difference of four months in the mean between the twenty-one year old OSY at 9.3 average months on a dairy verses a mean of 13. 7 months on a dairy for eighteen year old OSY students. This may imply older OSY move slightly more frequently than younger OSY and may tell us a little more detail about the demographic profile of Hispanic OSY dairy farm workers.

The VMEP's primary objective is to assist migrant students on their path towards completing their high school diploma. Students come to VT with a wide range of previous

education in their home country. I was curious whether or not ones level of education affected the length of time one may stay on a VT dairy farm and if this potential relationship between the two might aid in creating a stronger demographic profile of OSY students.

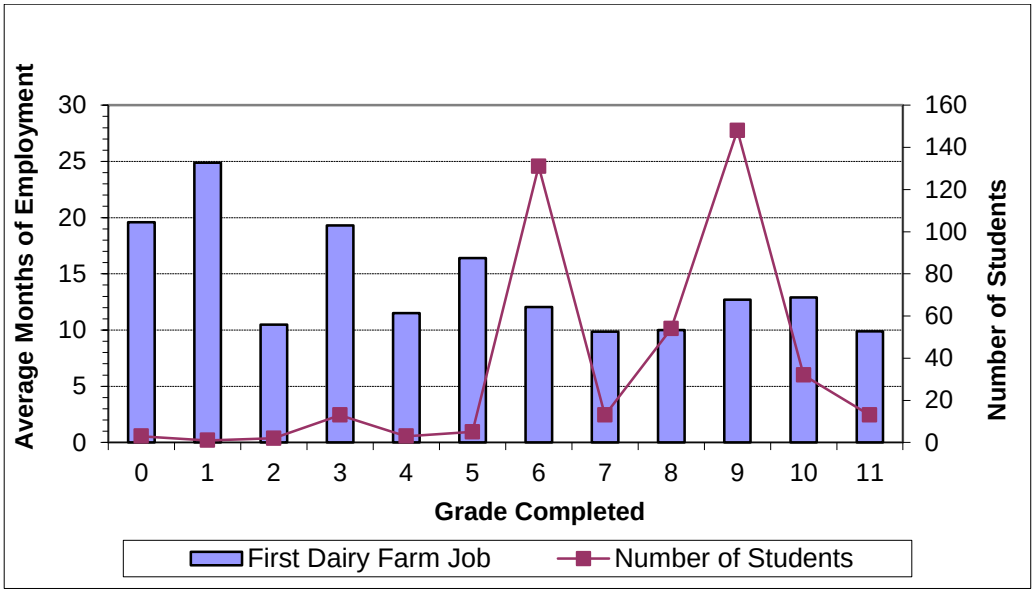

Figure 9. Level of Education of OSY Compared to Average Length of Employment on a VT Dairy Farm. June 30th, 2006 – June 30, 2009.

Results depicted above in Figure 9 suggest there is a potential connection between ones level of education in their home country and their length of employment on a VT dairy farm. Although the relationship is not statistically significant and the population of students with either no formal education or very low levels of education, less than first grade, have a very small number of students to draw conclusions from, the difference in employment turnover is wide. OSY with the lowest levels of education remain employed on average 21 months which is nearly twice as long an OSY who completed primary school (sixth grade) or above. This may suggest students with very low levels of education in their home country are more likely to remain on a dairy farm longer than their more educated co-workers.

As outlined in the beginning of the results section of this paper (Table 3), 60 percent of the total VMEP student population are Mexican Nationals. I wanted to analyze the Mexican farm worker population data one step further to see if there is any relationship between the State one comes from in Mexico and their length of stay on a VT dairy farm. Table 6 suggests there may in fact be a relationship between the two.

Table 6: Total VTMEP Mexican National Population Compared to Dairy Farm Employment Turnover

State in Mexico	N	Average Months
Baja California Sur	1	11.5
Yucatán	1	8.9
Chiapas	**172**	**10.2**
Chihuahua	2	6.4
Colima	1	5.4
Distrito Federal	2	1.0
Durango	2	27.7
Guerrero	**52**	**19.2**
Hidalgo	4	20.1
Jalisco	1	14.0
Baja California Norte	3	32.0
Michoacán	5	10.8
Morelos	7	30.0
Oaxaca	**26**	**16.8**
Puebla	11	11.8
San Luis Potosi	4	14.0
Tabasco	**72**	**10.4**
Tlaxcala	1	17.0
Veracruz	**72**	**13.0**
Total	**439**	**12.8**

Thirty-one states make up the entire country of Mexico; Table 6 shows us that VT pulls workers from 61 percent of the Mexican states. Of the nineteen states representing Mexico on VT dairy farms, the largest percentages of students hail from the five most southern states in Mexico (Bold print in Table 6 above) they are, Chiapas, Guerrero, Oaxaca, Tabasco and

Veracruz. Students from these five states in Mexico represent 90 percent of the total Mexican VMEP population on VT dairy farms. There is varying degree of difference between a student's home country and their length of stay on a VT dairy farm. Most notably Table 6 shows that students from Guerrero and Oaxaca stay significantly longer on dairy farm jobs than those from Chiapas and Tabasco, while students from Veracruz average length of employment on VT dairies falls in between. It could be inferred that students coming from either Chiapas or Tabasco are more likely to have shorter employment periods on VT dairy farm jobs than those coming from other Mexican states. This may be due to a larger social network within the state as you will notice these two states represent the largest population distributions in VT as well. Therefore, data may suggest mobility increases when there is a greater social network within a particular state or local area of the state.

Farm Specific Questions:

For the VMEP to remain in compliance with the new OME eligibility regulations the results of this research must demonstrate that virtually all workers enrolled into the VMEP leave individual farm operations prior to completing twelve months of employment.

Employment turnover is blended with farm dairy herd size. Data for each of the figures provided below includes all 733 VMEP student participants to calculate the mean of employment turnover. There are 171 farms participating in this study and they are spread throughout the entire state of VT. I have intentionally included all students rather than filter our OSY students from graded students as most farms employ a combination of both. Farm sizes in this study range in milking herd size from less than 100 cows to more than 500 cow dairies. Farm sizing has been broken down on a similar scale in this study as the national dairy farm sizing but does not

replicate the exact size groupings which defines Small Farm Operations (SFO) below 200 milking cows, Medium Farm Operations (MFO) 200 – 699 milking cows and Large Farm Operations (LFO) 700 milking cows and above. Instead, I intentionally manipulated farm size groupings to better represent the average farm sizes of VT dairies. I did this with the intention of painting a clearer picture of farm employment turnover for VT dairy farms. Therefore, for the purposes of this research, farm sizes have been designated as less than 100 milking cows, between 100-199 milking cows, between 200-499 milking cows and greater than 500 milking cows. Because there are so few LFO's in VT that milk more than 700 cows, the categories for this study will define a large farm as one that milks more than 500 cows.

To better bracket the term *turnover rate*, study results have been broken down into three categories; high turnover, moderate turnover and low turnover. High turnover represents an average employment of less than twelve months, moderate turnover represents an average between thirteen and twenty-four months and low turnover represents twenty-five months or greater. The turnover rate of workers is also calculated for each individual farm in the study. This rate will represent the average length of stay for all workers employed at a particular farm. Lastly I will answer the question posed by OME whether or not VT dairy farms meet their newly defined temporary agricultural employment standard by calculating the *attrition rate* which differs from the employment turnover term used throughout this study. Like the differences in student specific demographics I suspect farm operations employment turnover will be quite different than individual student turnover averages.

Figure 10 breaks down how many farms in this study have high employment turnover of 12 months or less, moderate employment turnover between 13 and 24 months and low employment turnover when workers remain employed on average longer than 24 months. This

figure looks broadly at the average length of time all VMEP students remain on VT dairy farms and shows that 41.5 percent of dairy farms regardless of herd size, physical location and any student specific demographics that live and/or worker there, have what I define as moderate employment turnover. This figure also shows that a noteworthy number of farms, 38.6 percent have high employment turnover. When you combine the number of farms with both high and moderate turnover, 80% of the farms in this study have MEP students leaving in less than 24 months.

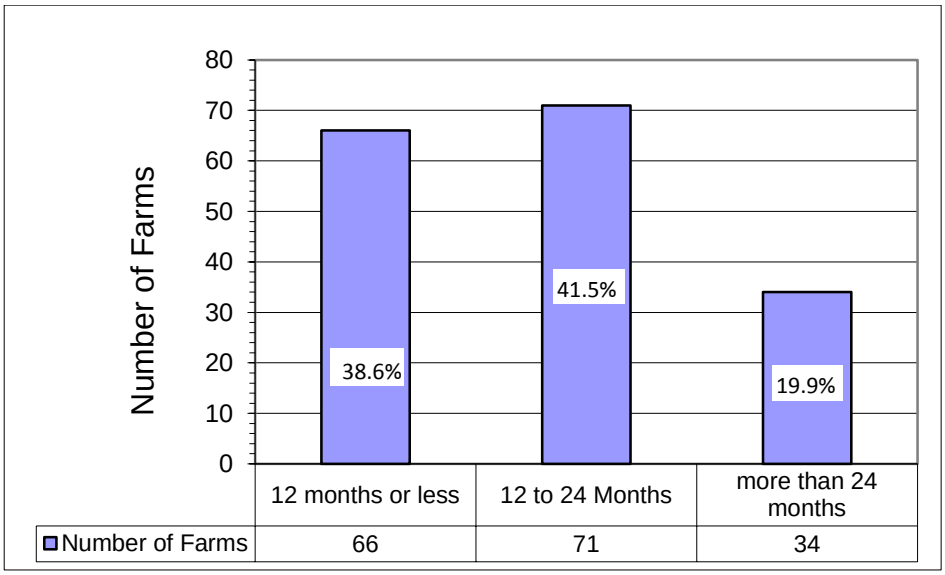

Figure 10. Employment Turnover Rate averages the length of time workers remained on individual VT farm operations. This graph represents the entire study participant group of 733 VMEP students. June 30th, 2006 – Jun 30th, 2009

Potentially the most descriptive way to analyze dairy farm data as it relates to employment turnover is by looking at the herd size of the individual farm. Specifically asking whether dairies herd size affects a farm operations employment turnover. For example, do dairies that milk less than 100 cows have higher or lower employment turnover than larger farms? Do moderate sized dairies which milk between 200 to 499 cows, (the majority of farms in this study)

have higher employment turnover than other farms sizes? Do dairies that milk more than 500 cows have higher employment turnover than smaller dairies? As presented in Table 7 and Figure 11, data indicate that dairy herd size may in fact play a role in employment turnover rates.

TABLE 7: Farm Size and Average Employment Turnover

Farm Size	N	Mean	Std. Deviation	Std. Error	95% Confidence Interval for Mean		Minimum	Maximum
					Lower Bound	Upper Bound		
Less than 100	*27*	*18.0751*	*12.54735*	*2.41474*	*13.1115*	*23.0386*	*2.01*	*39.9*
100 – 199	*40*	*14.2279*	*8.51028*	*1.34559*	*11.5062*	*16.9496*	*1.51*	*32.0*
200 – 499	*63*	*15.4629*	*8.67899*	*1.09345*	*13.2771*	*17.6487*	*.76*	*40.0*
500 and up	*41*	*19.5565*	*5.61461*	*.87685*	*17.7843*	*21.3287*	*7.00*	*30.3*
Total	*171*	*16.5680*	*8.93521*	*.68329*	*15.2191*	*17.9168*	*.76*	*40.0*

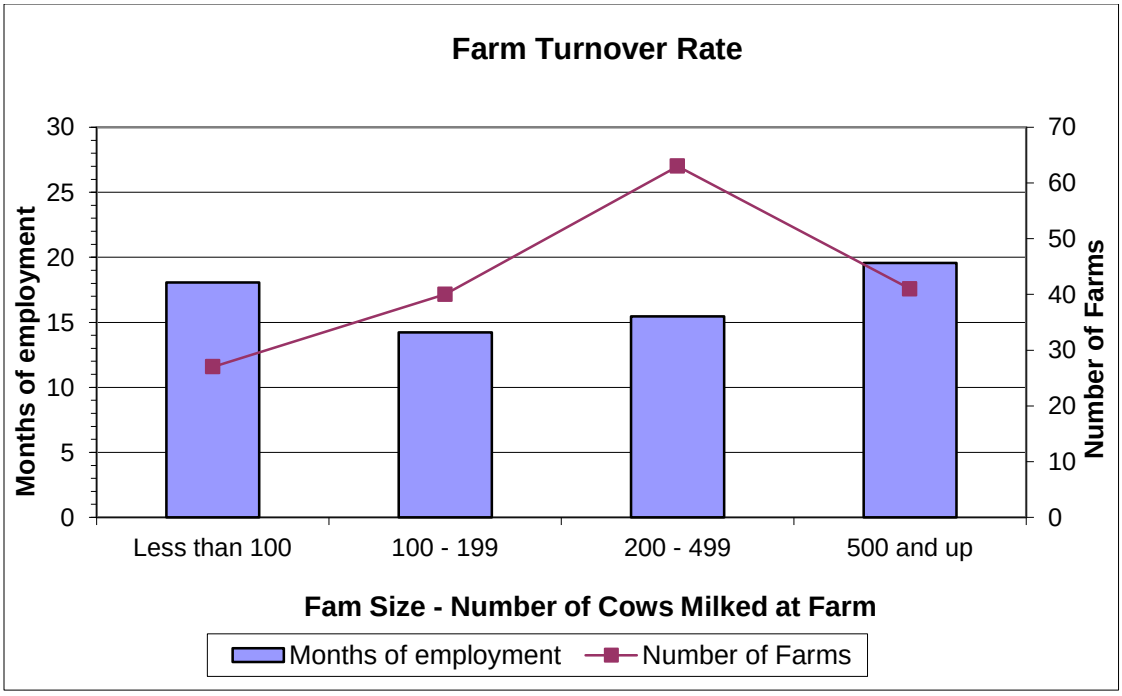

Figure 11: Employee Turnover Rate when Farm Size is considered. June 30, 2006 - June 30, 2009

As shown in Figure 11 farms that milk less than 100 and more than 500 cows have workers remain on average four months longer. Those that milk between 100 – 499 cows, which

are the majority of farms in this research, have higher turnover. I believe this to be a result of one's sense community on the farm. For example, a dairy farm employees approximately one farmworker per every 100 cows, this means a farm with only 100 cows will most likely have only one Hispanic employee. In such cases, the farmworker is likely to become part of the farm family occasionally sharing meals and holidays, bonding with the employers' family, thus increasing a sense of community and thus maintaining a longer duration of employment. On the other end of the spectrum, a dairy farm which milks over 500 cows most likely employs a larger number of Hispanic laborers thus increasing the sense of community amongst the farmworker population. As a sense of community increases, so it seems, so increases the duration of employment on said farm. However, on the contrary, those farms which employ between 2-3 workers, who are also relatively new to managing a Hispanic labor force, frequently see an increase in employee turnover. Data indicates that dairy herd size may in fact play a role in employment turnover rates.

Due to Vermont's proximity to an international border and the possibility that farm workers lack proper documentation status to legally work here, I wanted to explore if there was any correlation between employment turnover rates and a farm's physical location to the border. Vermont's four northern most counties border Canada; this represents 74 percent of the farms in this study. To better understand whether or not a dairy farms proximity to the international border increases the likelihood of employment turnover I compared these four counties, Grand Isle, Franklin, Orleans and Essex dairy farm operations employment turnover rates to the rest of the VT dairy farm employment turnover.

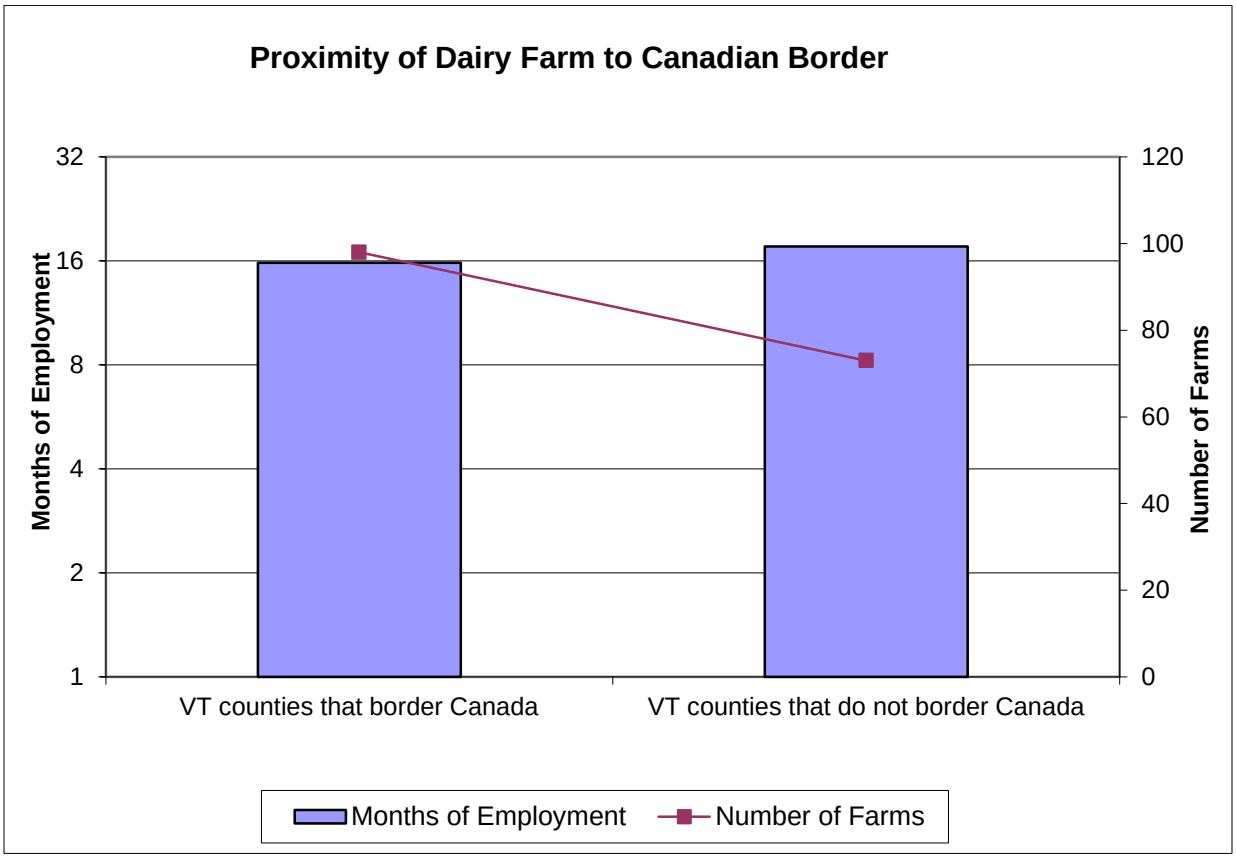

Figure 12. Employment Turnover Compared to Dairy Farm Operations Proximity to the Canadian Border. Four border counties include, Grand Isle, Franklin, Orleans and Essex counties. June 30th, 2006 – June 30, 2009

Figure 12, surprisingly, shows there was no statistically significant increase in employment turnover for dairy farm operations sharing a county border with Canada. Results indicated an average increase of only two months in farm worker turnover for border counties. I strongly suspect this is due to an undocumented farm workers decreased level of visibility the further north one works. Workers understand the risk one takes if they are undocumented when not maintaining a low profile. Therefore I believe the extra level of caution these workers exercise compared to workers on farms located further away from the border ultimately balances out any difference we are seeing in increased employment turnover.

Finally, Figure 13 presents the disturbing results of the *Attrition Rate* put forth by OME. Attrition rate is calculated farm to farm and is defined as acceptable when 90% of the workers enrolled into the MEP on that individual farm operation have remained less than twelve months during a set twelve month period. For smaller farm operations, like the majority of farms in Vermont, which have fewer than five students enrolled in the VMEP, the calculation is slightly different. The following regulations apply to these smaller farms; for farms with five employees, four of these five workers must be gone to be defined as 'virtually' all workers are gone from the farm in less than twelve months, for farms with four workers employed, three of these workers must be gone, for farms who employ only two workers one of these workers must be gone before the twelve month period and when there is only one worker employed, this one worker must not have remained at the farm longer than twelve months. The result of this attrition rate analysis then determines an individual state's ability to continue to enroll workers at these individual farm operations for the next three years. Those that meet the attrition rate are deemed sufficient temporary agricultural employers. Those farms who do not meet the attrition rate are no longer eligible for recruitment of students into the MEP and shall be deemed non-temporary agricultural employers.

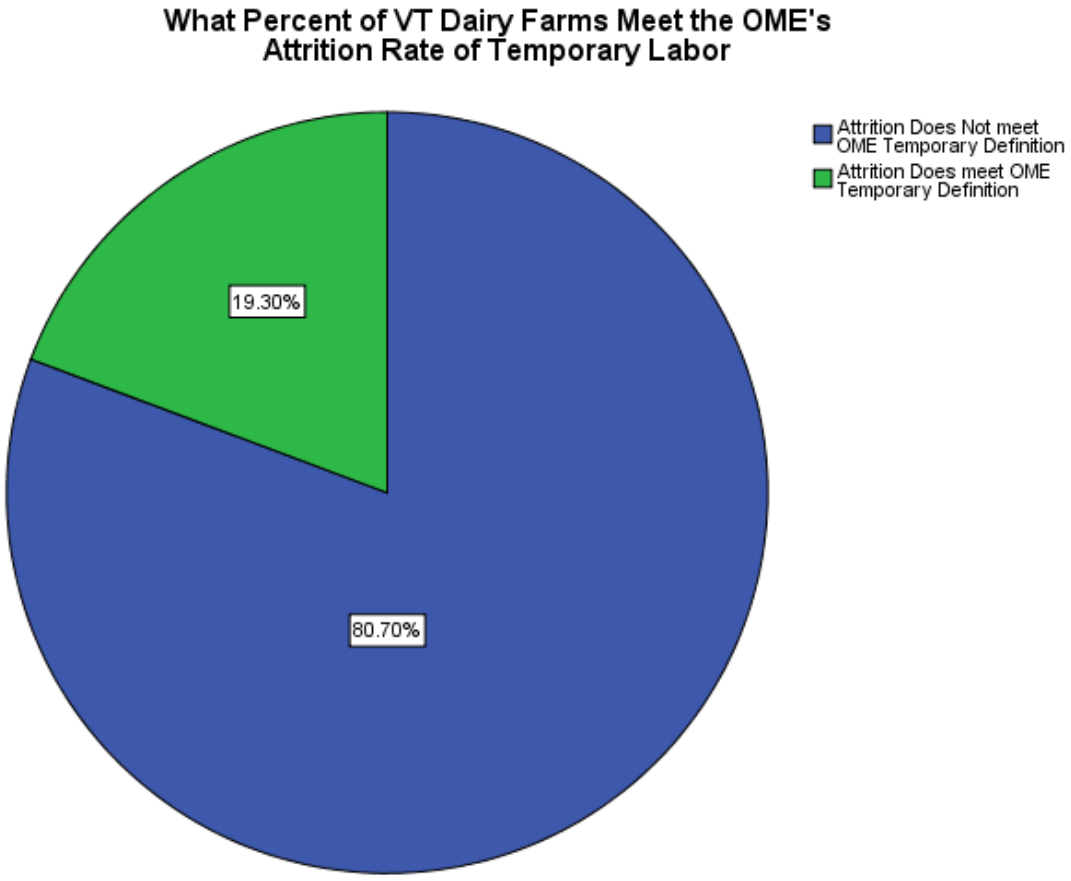

Figure 13. Percentage of VT dairy farms that meet the Office of Migrant Education's definition of Temporary Agricultural employment. June 30, 2009.

Summary

The results of this study indicate that the vast majority of VT dairy farms do not meet the Office of Migrant Educations new definition of temporary agricultural workers. In fact, only 19.3 percent of the VT dairies in this study do meet the defined attrition rate. Total average employment turnover for VMEP dairy farm students and families indicate that workers stay on average 16.65 months. These results indicate that under the OME's new regulations 80.7 percent or 591 individual VT farm working students and their families in this study sample would not be

eligible for the free supplemental educational services once offered through the Federal Migrant Education Program. The crux of this issue is the definition of the farm worker, which as a temporary agricultural employee, now limits the extent of federal educational service delivery among dairy farms in States like Vermont.

There is strong evidence that suggest VT dairy farm workers are mobile and certainly do not represent what most would consider a permanent labor force. As presented throughout this research when employment turnover is broken down by individual student averages rather than individual farm operations the results show much higher rates of mobility. Furthermore, certain population demographics, such as the OSY population, maintain an average of less than twelve months employment on a statewide basis. Yet, OME's new attrition calculation will even bump these students out of the eligibility pool because states must now look at farm operation turnover rather than individual student mobility.

When regulations attempt to define law and place a numerical cap on program services unless higher rates of mobility are determined which are based solely on populations previously deemed eligible; it fails to include the most mobile of students. Throughout the Migrant Education community, it is widely acknowledged that the most mobile of students are the most difficult to identify and enroll. Under these new regulations, unless these students were enrolled, their extremely short length of time on a dairy will not be captured in an attrition rate study. This factor alone flaws the entire calculation. One cannot calculate true mobility without taking into account the most mobile of students. Therefore states attrition calculations will only ever represent the most conservative of employment turnover rates for the very population it wishes to embody. This fact alone questions both the intention and the validity of OME's attrition rate calculation. As a result of this new attrition calculation, although possibly

unintended, it is imperative to recognize there are serious consequences to migrant dairy students. Furthermore, in the case of migrant dairy students, it questions whether this new regulation oversteps the true intent of Congress which recognized in 1987 in Senator Edward Kennedy's – report from the Committee on Labor and Human Resources that dairy farming is a unique industry in the world of Migrant Education.

Recognizing the migrant student population has undergone significant changes since the creation of the program it is only natural to reevaluate eligibility guidelines. However, the most significant changes that have occurred nationwide is the unprecedented increase in young adult farm workers who move and work without family members and who are not activity attending or interested in attending public school. Specifically I am speaking about the OSY population. What may be a more reasonable and understood regulation change is whether or not it was Congress' intention to serve an OSY population through MEP services. Despite this matter, OME determined these students are viable candidates for service and most recently defined them as a priority for MEP services. It seems rather contrary to define a particular student classification as a priority and then eliminate this student based on the sole fact that their employers workforce doesn't turnover frequently enough. Apparently, a young adult farm worker, here on their own, thousands of miles away from their family support network, with an average educational level of sixth grade who only changes employment roughly every year and a half does not need supplemental educational support services in the eyes of OME.

What is most concerning about this new definition of temporary agricultural employment, which will eliminate services to 80 percent of the migrant dairy farm workers in the VMEP, is when you compare seasonal migrant farm workers and families who have a home-base. Having a home-base, otherwise known as 'shuttle migrants' is when one has a permanent residence in one

state for the majority of the year, then travels during the summer months to another state or location to work with a seasonal crop, then returns to the same original residence/home-base, this may occur year after year. Shuttle migrants as defined above re-qualify for MEP services each time the student leaves the home-base for eligible farm work. Eligibility continues regardless of whether or not the student changes schools or even misses a day of school simply because they entered a new school district for the summer farm job. Due to MEP eligibility guidelines these students may in fact begin and graduate from the exact same school they entered at age five without ever technically having an educational disruption yet, they likely will have received MEP services their entire school career. The regulation may actually stimulate mobility for this very reason. When you look at a loophole such as this in the MEP eligibility guidelines and then compare it to the current situation facing the complete elimination of services to VT dairy farm workers I believe this new regulation fails to recognize the true intent of congress which purposely stated *including dairy work* when it defined who is a migrant agricultural student.

The final factor I wish to point out which cannot be overlooked when speaking of the dairy farm worker population is in regards to documentation status. The fact that there are large numbers of Latino workers in the United States without proper documentation is widely known and discussed. It is estimated that more than half of all farm workers – 52 of every 100 – are unauthorized workers with no legal status in the United States (Gonzales.E, 2008). Mexican and other Latino workers have been entering the US for decades with the intention to earn money and then return home (Hellman J.A., 2008). Less known and discussed are the numbers and stories of undocumented farm workers in the state of Vermont.

Immigration reform is of primary concern to dairy farmers. In order to understand the complex predicament of both dairy farm owners and dairy farm workers there are facts to

consider. As mentioned earlier, contrary to commonly held beliefs, there is no visa program to bring foreign workers to the United States for employment on a dairy farm. Unlike seasonal farm work that can qualify for the federal H2A visa program in agricultural industries such as planting and harvesting vegetables or fruit, milking cows is a year round activity that is not currently eligible for any federal agricultural visa program (USDOL, U.S. Immigration and Nationality Act, 1952). Vermont Senator Patrick Leahy has co-sponsored the pending AgJobs bill to address the need of an agricultural guest worker visa for dairy farm workers. Senator Leahy has also been working towards a legislative repair and/or administrative rules change that will expand the H2A classification to include dairy farm workers. However, as long as there is no legal structure of visa programs which supports the dairy industry the work of non-citizen labor cannot be considered permanent in nature.

Farm owners and migrant Hispanic farm workers are constantly in fear that workers will be arrested and detained by immigration officials. Because of this fear, these farm workers take extreme precautions; they are incredibly isolated and rarely leave the farm. These fears are certainly justified; many farm workers believe the risk of deportation in Vermont is higher than in other states. The Mexican consulate in Boston, which is the representative office for Vermont, reported that even though Vermont had the lowest Mexican population of any New England State, Immigration and Customs Enforcement (ICE) deported 123 Mexicans from Vermont in 2006, more than any other New England state (Jastrzembski, 2008).

Living in Vermont as what I will coin a *super-minority*, being an undocumented Hispanic migrant farm worker in Vermont, may be tougher than living in any other region of the US. I make this argument for three primary reasons; 1) Vermont's limited ethnical diversity on a statewide level, 2) physical geographical location as a national border state and 3) lacking other

large farm industries that can bring in legal seasonal workers which would contribute to an undocumented workers ability to blend. Basically, to put it in no simpler terms, a brown human being that does not speak English stands out in Anglo dominated Vermont more than other states across the country and because of this, workers intentionally remain isolated and hidden. Hispanic workers in Vermont are exploitable and disposable primarily through their inability to obtain legal status. This reality creates fear and immobility. It creates extreme isolation and an inability to progress in both language skills and upward mobility in job skills. In spite of these challenges, for many the hopes and dreams of making more money in the US than in their countries of origin is enough to drive them to make this enormous sacrifice. Data shows that the primary labor force of VT dairy farms could never be considered anything more than a temporary labor force as long as there is no legal structure of visa programs which supports it. To now face such a hurdle, that VT migrant dairy farm workers may no longer be supported by the one federal program that was exclusively tailored to address their needs through the rewriting of the MEP regulations, is very concerning.

The nature of a dairy farmer is unique. Congress recognized this when they specifically declared ‘a migratory dairy worker’ eligible for MEP services when they defined a migratory child. Unlike many other unnamed agricultural jobs, Congress intentionally included dairy farm workers into the law. Migrant dairy students and families have been served under the term temporary agricultural workers for over thirty years. Regulations are developed to guide the law. The intended purpose is for states to use these regulations as a handbook when interpreting the law; therefore they should accurately reflect the law. When policy strays from the laws true intent, policy becomes corrupt which results in harm to those the law was created to protect. In

attempting to clarify policy, OME instead eliminated an entire agricultural industry once eligible for MEP services.

On a national level, the migrant dairy farm population is very small. In fact, Vermont is the 7th smallest Migrant Education Program in the country. Larger states with enormous seasonal migratory populations may have greater needs than ours but, a national program must be able to suit the nation not just those states with the largest populations. In an attempt to solve the problem of allocating scarce resources, a new problem was created. "Policy is the result of politics… policy is what governments choose to do… analyzing policy entails focusing more on the content of policy, asking questions… about how and whether it is working as intended" (Marshall, C. & Gerstl-Pepin, C. 2005). The primary intention of this research is to bring the Vermont migrant dairy farm worker situation to light and ask if this reinterpretation of the law accurately reflects the true definition of the law; I believe it does not. OME's newly defined interpretation of the law eliminates the very students and families the law was created to serve.

I hope this study will provide an objective perspective on the dairy farm worker population which has become such a controversial topic within the greater MEP. It is my hope that by presenting Vermont's migrant dairy farm data it will bring clarity to an often misunderstood and underrepresented population. I remain optimistic that this research will supply OME with enough evidence to change their regulations to include Vermont's dairy farm workers. If they do not, Vermont will be forced to seek a state waiver from the United States Secretary of Education. In this likely future endeavor, I maintain optimism for regulation changes and dairy farm worker inclusion. I trust the validity and clarity of this data will speak for itself to those who read it and will prompt change to the unsound and contradictory nature of these new MEP eligibility regulations which so inaccurately interpret the law.

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Appendix

#1 Vermont Migrant Education Program: Interview Questionnaires English & Spanish

#2 Vermont Migrant Education Program: Certificate of Eligibility English & Spanish

#3 Vermont Migrant Education Program: Move Form

#4 Vermont County Map